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OFFICE OF PETITIONS

In re Application of :
Christian Viskov : DECISION ON
Application No. 09/742,008 : PETITION
Filed: December 22, 2000 :
Attorney Docket No.: :
03806.0488-00000 :

This is a decision on the "RENEWED PETITION UNDER 37 C.F.R.
§ 1.137(b)," filed January 28, 2005.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the Restriction Requirement mailed June 25, 2003. This Notice set a thirty-day time limit for reply. No extensions of time to reply under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 26, 2003. A Notice of Abandonment was mailed on March 12, 2004.

Promptly thereafter, on June 17, 2004, applicant filed the initial petition under § 1.137(b). However, the petition was dismissed for failure to satisfy requirement (3) of 37 C.F.R. § 1.137(b). Specifically, the facts set forth on petition raised a question as to whether the delay was unintentional. It was requested that petitioner provide copies of letters cited to support a conclusion that the delay was unintentional within the meaning of § 1.137(b).

On instant renewed petition, petitioner has submitted the requested letters along with a DECLARATION OF FRANCOIS DAVID,

Director in the Patent Department of assignee Aventis. Therein, patent attorney David sets forth the circumstances of the delay.

Having considered the additional arguments and evidence submitted on renewed petition, it is now concluded that petitioner has established to the satisfaction of the Director that the delay in filing the reply and in filing the petition was unintentional within the meaning of § 1.137(b). It is noted that the evidence of record does not support a conclusion that there was a deliberate decision to abandon this application.

The application file is being forwarded to Technology Center AU 1653 for consideration by the examiner of the response to restriction requirement submitted on June 17, 2004 (and resubmitted on January 28, 2005).

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with the first name "Nancy" and last name "Johnson" clearly distinguishable.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions